

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SYLVESTER BELCHER,)	CASE NO. 1:09CV627
)	
Petitioner,)	JUDGE PETER C. ECONOMUS
)	
v.)	
)	
KEITH SMITH, Warden,)	ORDER
)	
Respondent.)	
)	

This matter is before the Court upon a petition for a writ of habeas corpus filed by Sylvester Belcher (“Petitioner”), pursuant to 28 U.S.C. § 2254. (Dkt. # 1).

On May 14, 2009, this case was automatically referred to Magistrate Judge David S. Perelman for preparation of a Report and Recommendation, pursuant to 28 U.S.C. § 636 and LR 72.1. (Dkt. # 15). On December 28, 2009, the Magistrate Judge issued a report and recommendation, recommending that the Court deny the instant petition because Petitioner’s claims have been procedurally defaulted and because no constitutional violation has been established. (Dkt. # 15).

FED. R. CIV.P. 72(b) provides that objections to a report and recommendation must be filed within fourteen (14) days after service, but Petitioner has failed to timely file any such objections. Therefore, the Court must assume that Petitioner is satisfied with the Magistrate Judge’s recommendation. Any further review by this Court would be a duplicative and an inefficient use of the Court’s limited resources. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff’d, 474 U.S. 140 (1985); Howard v. Secretary of Health and

Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir.1981).

The Court has reviewed the report and recommendation of the Magistrate Judge *de novo*, and finds that it is well-supported. Therefore, the Report and Recommendation of Magistrate Judge Perelman (Dkt. # 15) is hereby **ADOPTED**, and Petitioner's petition for a writ of habeas corpus is **DENIED**.

Finally, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

/s/ Peter C. Economus – January 21, 2010
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE